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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,593	01/16/2001	Toru Ishii	P/2007-76	4296
7590	01/07/2005		EXAMINER	
Steven I. Weisburd, Esq. Dickstein Shapiro Morin & Oshinsky LLP 1177 Avenue of the Americas 41 St Floor New York, NY 10036-2714			NGUYEN, PHONG H	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 01/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/760,593	ISHII ET AL.
	Examiner	Art Unit
	Phong H Nguyen	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 October 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6 and 9-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 10 and 11 is/are allowed.
 6) Claim(s) 1-6 and 9 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Falstrom (1,801,490).

Falstrom teaches a punching apparatus comprising a punch 9, a die 10 and a fitting jig (5, 6). See Figs. 1-7. It is noted that the punch 9 and the die 10 are rotatable independently with respect to the moving part 1 and the supporting part 2 and are not rotatable relative to each other as they contact the fitting jigs. Each of the punch and the die has a plurality of planes formed by slots (7 and 8) to be fitted with datum planes of a fitting jig (5, 6).

Claim Rejections - 35 USC § 103

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Falstrom (1,801,490) in view of France (4,610,185).

Falstrom teaches everything but does not teach a punched hole having a non-circular cross section. France teaches a punched hole having a non-circular cross section. See Fig. 1. Therefore, it would have been obvious to one having ordinary skill in the art to provide a variety of hole shapes such as non-circular cross sectional holes as taught by

France so that manufacturers can provide a wide range of punched hole shapes for their customers.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Falstrom (1,801,490) in view of France (4,610,185).

Falstrom teaches a punching apparatus comprising a punch 9, a die 10 and a fitting jig (5, 6). See Figs. 1-7. It is noted that the punch 9 and the die 10 are rotatable independently with respect to the moving part 1 and the supporting part 2 and are not rotatable relative to each other as they touch the fitting jigs. Each of the punch and the die has a plurality of planes formed by slots (7 and 8) to be fitted with datum planes of a fitting jig 6. Falstrom fails to teach a punched hole having a non-circular cross section. France teaches a punched hole having a non-circular cross section. See Fig. 1. Therefore, it would have been obvious to one skilled in the art to provide a variety of hole shapes such as non-circular cross sectional holes as taught by France so that manufacturers can provide a wide range of punched hole shapes for their customers.

Allowable Subject Matter

5. Claims 10 and 11 are allowed.

Response to Arguments

6. Applicant's arguments filed on 10/20/2004 have been fully considered but they are not persuasive.

Regarding the Applicant's arguments with respect to the phrase "at least one plane of the punch and at least one plane of the die are simultaneously fitted with the same datum plane of the fitting jig", the term "a fitting jig" is interpreted as a fitting jig assembly having two elements (5, 6). Both elements (5, 6) of the fitting jig are simultaneously fitted with the datum planes of the punch and the die.

Regarding the Applicants' arguments with respect to France, France teaches the shapes of the punch and the die but the fitting jig. Thus, the Applicants' argument is moot.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.

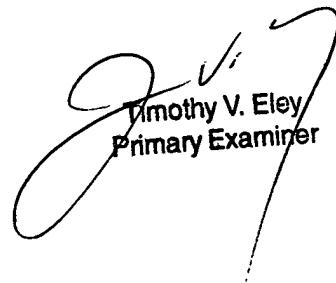
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN: *pm*

January 4, 2005



Timothy V. Eley
Primary Examiner